IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD

WRIT PETITION NO : 13018 of 2004

Between:

Balasani Appa Rao, Vijayawada,
Krishna District

..... PETITIONER

AND

1 The Sub Inspector of Police Vijayawada, Krishna District
2 The Commissioner of Police, Vijayawada, Krishna District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction, or a writ, more particularly one in the nature of Writ of Habeas Corpus directing the respondents herein to produce Mr. Balasani Lakshmana Rao Son of Balasani Appa Rao belonging to Schedule Tribe Community, who was taken by the Vijayawada Police at about 12 PM. on 20/07/2004 from the residence of the petitioner and set him at liberty forthwith apprehending danger to his life.

Counsel for the Petitioner:TELEGRAM

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following ORDER: (per GB, J)

On the basis of the telegram sent by Mr. Balasani Appa Rao to this Court, it is taken up as the present writ petition. Notices were issued to the respondents.

2. The counter-affidavit has now been filed by the Assistant Sub-Inspector of Police, Nunna Rural Police Station, Vijayawada.

3. It is stated in the telegram that Mr. Balasani Lakshmana Rao, S/o Balasani Appa Rao, was taken up by the Vijayawada police at 12-00 p.m. on 20-07-2004 and he was neither produced before the Magistrate nor any investigation is pending against him and therefore, apprehending danger to his life and sought appropriate orders.

4. In the counter-affidavit, it is stated that on 06-08-2004 at 7.00 p.m. while Mr. Balasani Lakshmana Rao was moving under suspicion circumstances, he was arrested and a case was registered in Crime No.300 of 2004 under Sections 41 and 102 Cr.P.C. of Nunna Rural Police Station, Vijayawada. Thereafter, he was produced before the Magistrate concerned on 07-08-2004 and the learned Magistrate remanded him to judicial custody. Investigation was commenced. Presently, the said person is in jail. In view of this, no further orders are necessary.

5. The writ petition is accordingly closed. No costs.

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(G.BIKSHAPATHY, J)

11th AUGUST, 2004.

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(CH.S.R.K.PRASAD, J)

To

1 The Sub Inspector of Police Vijayawada, Krishna District
2 The Commissioner of Police, Vijayawada, Krishna District

3 The Advocate General, A.P. High Court Buildings, Hyderabad (OUT).

4 Two CD copies.

5 To the concerned Officer of PIL Section.